



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

MAR 19 2014

E Enfonde
Nixon Peabody, LLP
1300 Clinton Square
Rochester, New York 14617

RE: Freedom of Information Request No. EPA-R9-2014-003105

Dear E Enfonde:

This letter concerns your Freedom of Information Act Request of 29 January 2014, regarding Evergreen Oil Inc (CAD980887418) located at 6880 Smith Avenue in Newark California.

We are unable to provide you with the documents, or portions of documents, which have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b) exemption 5-Deliberative Process and Attorney-Workproduct and/or Attorney-Client privileges and Exemption 7 – Enforcement Confidential (40 CFR 2.105(a)(7)).

An itemized list by categories of the withheld material along with the basis for withholding is provided on the enclosure to this letter.

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed (including the assigned FOIA request number - EPA-R9-2014-003105). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

The Waste Management Division's RCRA Records Center is maintained by Toeroek Associates Inc., under contract to EPA Region IX. If you have any questions regarding the enclosed documents, please contact Ward Danner of Toeroek Associates Inc at 415-947-4596.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott". The signature is stylized with a large, looped "J" and "S".

Jeff Scott, Director
Waste Management Division



FOIA Contact Information for State Offices Region IX

Arizona

Rebecca Reed
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1110 W. Washington St.
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Phone: (602) 771-4380

California

California EPA
Department of Toxic Substances Control
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Sacramento, CA 95812-0806
Phone: (916) 322-0476

Hawaii

Hawaii Department of Health
Solid and Hazardous Waste Branch
919 Ala Moana Boulevard, Room #212
Honolulu, HI 96814
Phone: (808) 586-4226

Nevada

Julie Maurer
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Division of Environmental Protection
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Guam

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